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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,221	07/15/2003	Gary A. Koppel	22064-71990	8706

23643 7590 01/25/2008  
BARNES & THORNBURG LLP  
11 SOUTH MERIDIAN  
INDIANAPOLIS, IN 46204

EXAMINER
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ROYDS, LESLIE A

ART UNIT	PAPER NUMBER
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1614

MAIL DATE	DELIVERY MODE
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01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/620,221	7/15/2003	KOPPEL, GARY A.	22064-71990

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EXAMINER

Leslie A. Royds

ART UNIT	PAPER
1614	20080117

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

**NOTICE OF NON-RESPONSIVE AMENDMENT**

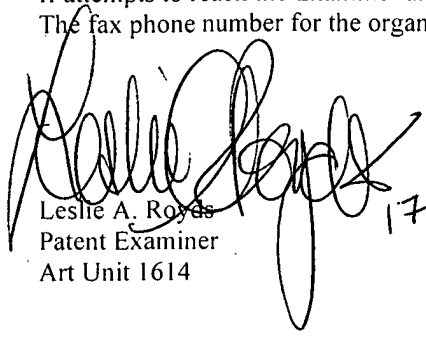
Applicant's response filed October 31, 2007 has been received and entered into the present application. Applicant's election of the invention of Group II (claims 2-6), directed to a method for enhancing cognitive function in a patient suffering from a condition characterized by impaired cognitive function, and the election of (a) dementia as the species of cognitive disorder, (b) clavulanic acid as the species of clavulanate compound and (c) 10,11-methanodibenzosuberane as the species of P-glycoprotein efflux pump inhibitor, is acknowledged.

However, Applicant's election of "10,11-methanodibenzosuberane" per se as the species of P-glycoprotein efflux pump inhibitor is non-compliant because the instant specification does not contain adequate written support for this species of P-glycoprotein efflux pump inhibitor and, thus, raises an issue under the provisions of 35 U.S.C. 112, first paragraph. Please see page 13 of the instant specification, wherein Applicant has incorporated by reference the disclosures of U.S. Patent Nos. 5,889,007; 5,874,434; 5,654,304; 5,620,855; 5,643,909; and 5,591,715. The disclosures of these cited U.S. Patents are directed to suberane derivatives and, therefore, do not provide adequate written support for the use of the species of 10,11-methanodibenzosuberane per se as the species of P-glycoprotein efflux pump inhibitor for use in the claimed invention.


Accordingly, by issuance of the instant notice, Applicant is afforded the opportunity to elect a single disclosed specie of P-glycoprotein efflux pump inhibitor that has appropriate written support in the specification of this application. Applicant is advised that a proper reply to this notice will reiterate the invention elected for examination on the merits and also reiterate the species of cognitive disorder and species of clavulanate compound for examination, as well as provide a proper election of a single disclosed specie of P-glycoprotein efflux pump inhibitor to which examination on the merits will be restricted.

Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

  
Leslie A. Royds  
Patent Examiner  
Art Unit 1614

17 JAN 08

  
ARDIN H. MARSCHEL  
SUPERVISORY PATENT EXAMINER